

## Message Text

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PAGE 01 STATE 170001

62  
ORIGIN NEA-10

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DRAFTED BY: NEA/ARN:MDRAPER  
APPROVED BY: NEA/ARN:MDRAPER

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R 091455Z JUL 76  
FM SECSTATE WASHDC  
TO AMEMBASSY BEIRUT

C O N F I D E N T I A L STATE 170001

FOL TEL SENT ACTION SECSTATE FROM USUN NEW YORK DTD 08  
JUL 1976 QTE

C O N F I D E N T I A L USUN 2804

E.O. 11652: GDS  
TAGS: PFOR, UNSC, XF, LE  
SUBJECT: CIRCULATION OF LEBANESE AMBASSADOR'S LETTER TO  
SECURITY COUNCIL PRESIDENT

REF: USUN 2756

1. THERE FOLLOWS THE TEXT OF THE OPINION PREPARED BY  
THE UN ACTING LEGAL COUNSEL AND FORWARDED BY THE SECRETARY  
TO THE SECURITY COUNCIL TO THE COUNCIL'S PRESIDENT ON 12 JULY.  
COMMENT: THE WRONG QUESTION WAS PUT TO THE ACTING LEGAL  
COUNSEL BY THE SC SECRETARY AND A BAD ANSWER WAS GIVEN  
END COMMENT.

2. TEXT READS:

QUOTE:

DEAR MR. PRESIDENT,  
ON YOUR REQUEST, THE OFFICE OF LEGAL AFFAIRS HAS EXAMINED  
THE FOLLOWING QUESTION: WHEN A MEMBER STATE ADDRESSES  
A LETTER TO THE PRESIDENT OF THE SECURITY COUNCIL RE-  
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PAGE 02 STATE 170001

QUESTING ITS CIRCULATION AS AN OFFICIAL DOCUMENT OF THE

COUNCIL, WHO IS THE AUTHORITY TO DECIDE WHETHER THIS REQUEST SHOULD BE GRANTED IF THERE IS A DIFFERENCE OF OPINION AMONG COUNCIL MEMBERS?

THE OFFICE OF LEGAL AFFAIRS HAS PROVIDED THE FOLLOWING LEGAL OPINION: THE QUESTION OF OFFICIAL DOCUMENTATION OF AN ORGAN OF THE UNITED NATIONS IS A MATTER OF PROCEDURE; AS IN OTHER MATTERS OF PROCEDURE, ULTIMATE AUTHORITY LIES IN THE HANDS OF THE ORGAN CONCERNED. NORMALLY A COMMUNICATION FROM A MEMBER STATE ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL, THE CIRCULATION OF WHICH AS AN OFFICIAL DOCUMENT OF THE SECURITY COUNCIL IS REQUESTED, IS IMMEDIATELY ISSUED ON THE AUTHORITY OF THE PRESIDENT OF THE COUNCIL. SHOULD ANY DOUBTS CONCERNING A REQUEST FOR CIRCULATION EXIST, IT IS FOR THE PRESIDENT TO EXERCISE HIS DISCRETION. SHOULD, HOWEVER, AN OBJECTION BE RAISED BY A MEMBER OF THE COUNCIL, ULTIMATE AUTHORITY TO DECIDE THE QUESTION, LIKE OTHER QUESTIONS OF PROCEDURE, WOULD SEEM TO LIE WITH THE COUNCIL ITSELF. WHILE NO RELEVANT CASE HAS BEEN FOUND, IT WOULD APPEAR THAT THE PRESIDING OFFICER OF AN ORGAN OF THE UNITED NATIONS COULD NOT INSIST ON CIRCULATION OF A COMMUNICATION AS AN OFFICIAL DOCUMENT OF THAT ORGAN, SHOULD THE ORGAN IN QUESTION TAKE A CONTRARY DECISION.

PLEASE ACCEPT, MR. PRESIDENT, THE ASSUANCES OF MY HIGHEST CONSIDERATION.

HEINRICH A. GLEISSNER  
OFFICER-IN-CHARGE  
DEPARTMENT OF POLITICAL AND SECURITY COUNCIL AFFAIRS. UNQUOTE  
SCRANTON UNQUOTE KISSINGER

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